

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHRISTOPHER WILLS,</b>	:	<b>Civil No. 3:13-CV-1787</b>
	:	
<b>Plaintiff,</b>	:	<b>(Judge Munley)</b>
	:	
<b>v.</b>	:	
	:	<b>(Magistrate Judge Carlson)</b>
<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>Defendants.</b>	:	

**MEMORANDUM ORDER**

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

The *pro se* plaintiff, Christopher Wills, is a federal prisoner who has sued the United States, the prison where he was formerly housed, USP-Canaan, and a number of individual defendants. In his original complaint, Wills initially alleged that in June of 2011 the prison served inmates chicken fajitas. (Doc. 1.) According to the plaintiff, the chicken was bad, and was tainted with salmonella bacteria. (Id.) Consequently, the plaintiff contracted food poisoning, and suffered excruciating pain and symptoms which included headaches, diarrhea, abdominal pains, nausea, chills, vomiting, inability to eat and profuse sweating. (Id.) Alleging negligence and deliberate indifference on the part of the prison in the preparation and service of this

food, the plaintiff initially sought damages from the United States, and an institutional defendant identified as “USP-Canaan.”

There is a motion to dismiss pending in this case. (Doc. 52.) Wills sought leave to file a sur reply brief regarding this motion, and we granted his request, directing Wills to file any sur reply brief on or before January 15, 2015. Wills has now filed a document, which we construe as a sur reply brief but which he has styled as a motion for judicial notice. (Doc. 73.) Because the motion is inappropriate we will DENY this motion, but because we understand the concerns that motivated the plaintiff to file this pleading, we will instead treat this motion as a sur reply brief.

So ordered this 16th day of January, 2015.

*S/Martin C. Carlson*

Martin C. Carlson

United States Magistrate Judge